

Remarks

The Examiner has set forth a restriction requirement under PCT Rule 13.1. It is asserted that claims 1-18 and claim 22 form one group, from which Applicants are required to select a specific PPAR or SEQ ID NO., as well as a specific "X" mutated amino acid. This requirement is traversed.

The unity of invention criteria under 37 C.F.R. §1.475 set forth that an application "shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

Although the Examiner does not appear to have delineated his precise reasoning behind the requirement for restriction, Applicants assert that the special technical feature that unites all the claims of the present invention is a single amino acid mutation in the ligand-binding domain of a PPAR polypeptide. This core idea is found in all of the claims and thus unity of invention is present. As such, Applicants respectfully assert that the restriction requirement is improper.

In order to fully respond, Applicants elect the following, with traverse:

Group I, drawn to a PPAR ligand-binding domain polypeptide; present claims reading thereupon are 1-6. The elected species is PPAR γ and the specific substitution is tyr473ala; present claims reading thereupon are 4-6.

No fee has been calculated to be due in regard to responding to the Restriction Requirement. However, if any fee is due for entry of these papers, please charge the fee(s) to Deposit Account No. 13-2755, as a large entity. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

The Examiner is invited to contact the undersigned attorney if clarification is required on any aspect of this response, or if any of the claims are considered to require further amendment to be placed in condition for examination and allowance.

Respectfully submitted,

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